

FILED

AO 91 (Rev. 11/11) Criminal Complaint

NOV - 7 2024

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY RG  
DEPUTY CLERK

United States of America

v.

Herber SERRANO Jr.

Case No.

EP-24-M-4608-RFC

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/6/2024 in the county of El Paso in the  
Western District of Texas, the defendant(s) violated:

## Code Section

8:1324(a)(1)(A)(v)(I), (a)(1)(A)(ii)  
and (a)(1)(B)(i)

## Offense Description

knowingly, intentionally, and unlawfully conspired, combined, confederated,  
and agreed together, and with others known and unknown, to commit  
offenses against the United States, namely: knowing and in reckless  
disregard of the fact that an alien has come to, entered, and remained in the  
United States in violation of law, did transport, move, and attempt to transport

This criminal complaint is based on these facts:

See attachment.

☒ Continued on the attached sheet.Oath Telephonically Sworn  
At 1:03 PM  
Fed.R.Crim.P.4.1(b)(2)(A)

Sworn to before me and signed in my presence.

Date: 09/30/2024City and state: El Paso, TexasOfilia F. Saenz

Complainant's signature

Ofilia F. Saenz, Border Patrol Agent

Printed name and title

N

Judge's signature

Robert F. Castaneda, U.S. Magistrate Judge

Printed name and title

**CONTINUATION OF CRIMINAL COMPLAINT**

**WESTERN DISTRICT OF TEXAS**

**Herbert Jr SERRANO**

**PEPT# PEPT251100122**

**11/07/2024**

**FACTS (CONTINUED)**

On November 6, 2024, at approximately 0234 hours, camera operators at the El Paso Border Patrol Station advised agents that a black in color sedan had come to a complete stop in the westbound lanes of Paisano Drive in El Paso, Texas. The Operator advised that seven subjects were observed crawling through a breach in the border fence just north of the Rio Grande River in the Asarco Smelter Plant area. The subjects were then seen boarding a black in color sedan.

An Agent in the area observed the vehicle described over the government radio approaching his location and activated his emergency lights in his government assigned vehicle. The Agent proceeded to follow the sedan traveling on Paisano Drive. After several turns, the sedan began traveling north on Executive Center Boulevard. At this time the Agent observed a black in color Ford Mustang tailgating his government vehicle. The Agent recognized the Mustang from a previous smuggling scheme several weeks prior in which the black Honda Civic loaded up subjects at the same location and the black mustang was again trying to impede a vehicle stop on the Honda Civic. The Agent continued to follow the Honda Civic as it proceeded east on Interstate Highway 10 from Executive Center Boulevard. At this time, the black Ford Mustang driven by an individual later identified as SERRANO, Herbert Jr., herein referred to as the DEFENDANT, sped up and cut off the Agent. As the Agent attempted to follow the Honda Civic the DEFENDANT continuously attempted to impede the Agent's visual of the Honda Civic and swerve in front of the Agent's vehicle while applying his brakes in a quick, sudden, and reckless manner. At this point, the Agent decided to follow the Mustang due to the previous failed smuggling scheme.

The Agent proceeded to follow the DEFENDANT as he continued traveling east on I-10 and took the exit toward Bridge of the Americas Port of Entry (BOTA). The Agent advised radio control of the DEFENDANT'S intent to travel to Mexico and advised U.S. Customs Officers at BOTA. As the DEFENDANT approached BOTA, Customs Officers were proactively positioned with spike stops. The DEFENDANT approached Customs Officers and came to a complete stop before being spiked. The Agent exited his vehicle, approached the DEFENDANT, and detained him for acting as an accomplice in the smuggling scheme. The Agent then advised the DEFENDANT of his Miranda Rights. The DEFENDANT was transported to the Paso Del Norte Texas Processing Center for processing and further investigation.

In a post-Miranda statement, the DEFENDANT stated that he entered into an agreement with a known smuggler to act as a blocker where he would impede law enforcement from disrupting an alien smuggling scheme. The DEFENDANT stated that this was not the first time he acted as a blocker. The DEFENDANT stated that he had previously acted as a blocker in a previous smuggling scheme where he successfully prevented law enforcement from disrupting the alien smuggling scheme. The DEFENDANT stated that he was aware that the smuggler he was assisting was picking up illegal aliens. The DEFENDANT stated that he was paid \$20 USD in the previous smuggling scheme and was expecting to be compensated for about the same amount this time. Finally, the DEFENDANT stated that he was aware that he was driving, swerving, and hitting

**CONTINUATION OF CRIMINAL COMPLAINT  
WESTERN DISTRICT OF TEXAS**

**Herbert Jr SERRANO**

**PEPT# PEPT251100122**

**11/07/2024**

**FACTS (CONTINUED)**

**his brakes in front of the Border Patrol vehicle.**

**Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.**

**Immigration History:  
NONE**

**Criminal History:  
NONE**